

Introduced by Senator Yee
(Principal coauthor: Assembly Member Hill)

February 24, 2012

An act to amend Sections 305, 307, and 308 of, and to add Section 305.5 to, the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 1403, as introduced, Yee. Public Utilities Commission.

The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities, as defined. The California Constitution grants the commission certain general powers over all public utilities, subject to control by the Legislature, and authorizes the Legislature, unlimited by the other provisions of the Constitution, to confer additional authority and jurisdiction upon the commission, that is cognate and germane to the regulation of public utilities. Existing law requires the Governor to designate the president of the commission from among its members and requires the president to direct the executive director, the attorney, and other staff of the commission, except for the Division of Ratepayer Advocates.

This bill would instead require the commission to direct the executive director, the attorney, and other staff of the commission, except for the Division of Ratepayer Advocates. This bill would also require the commission to assign cases by majority vote of the full commission.

The Public Utilities Act authorizes the attorney for the commission, if directed to do so by the president, except as otherwise directed by vote of the commission, to intervene, if possible, in any action or proceeding involving any question arising pursuant to the Public Utilities Act. Existing law requires the attorney for the commission to commence,

prosecute, and expedite the final determination of all actions and proceedings, and to generally perform all duties and services as attorney to the commission, as directed or authorized by the president, except as otherwise directed or authorized by vote of the commission.

This bill would authorize the attorney for the commission, if directed to do so by the commission, to intervene, if possible, in any action or proceeding involving any question arising pursuant to the Public Utilities Act. This bill would require the attorney for the commission to commence, prosecute, and expedite the final determination of all actions and proceedings, as directed or authorized by the commission, and to generally perform all duties and services, as specified.

Existing law requires the executive director for the commission to keep a full and true record of all proceedings of the commission, issue all necessary process, writs, warrants, and notices, and perform such other duties as the president, or vote of the commission, prescribes. Existing law provides that the president may authorize the executive director to dismiss complaints or applications when all parties are in agreement thereto, in accordance with rules that the commission may prescribe.

This bill would require the executive director to keep a full and true record of all proceedings of the commission, issue all necessary process, writs, warrants, and notices, and perform the other duties the commission prescribes. The bill would provide that the commission may authorize the executive director to dismiss complaints or applications when all parties are in agreement thereto, in accordance with rules that the commission may prescribe.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 305 of the Public Utilities Code is
- 2 amended to read:
- 3 305. The Governor shall designate a president of the
- 4 commission from among the members of the commission. ~~The~~
- 5 ~~president shall direct the executive director, the attorney, and other~~
- 6 ~~staff of the commission, except for the staff of the division~~
- 7 ~~described in Section 309.5, in the performance of their duties, in~~
- 8 ~~accordance with commission policies and guidelines.~~ The president
- 9 shall preside at all meetings and sessions of the commission.

1 SEC. 2. Section 305.5 is added to the Public Utilities Code, to
2 read:

3 305.5. The commission shall direct the executive director, the
4 attorney, and other staff of the commission, except for the staff of
5 the division described in Section 309.5, in the performance of their
6 duties, in accordance with commission policies and guidelines.
7 The commission shall assign cases by majority vote of the full
8 commission.

9 SEC. 3. Section 307 of the Public Utilities Code is amended
10 to read:

11 307. (a) The commission may appoint as attorney to the
12 commission an attorney at law of this state, who shall hold office
13 during the pleasure of the commission.

14 (b) The attorney shall represent and appear for the people of the
15 State of California and the commission in all actions and
16 proceedings involving any question under this part or under any
17 order or act of the commission. If directed to do so by the ~~president,~~
18 ~~except as otherwise directed by vote of the~~ commission, the
19 attorney shall intervene, if possible, in any action or proceeding
20 in which any such question is involved.

21 (c) The attorney shall commence, prosecute, and expedite the
22 final determination of all actions and proceedings directed or
23 authorized by the ~~president, except as otherwise directed or~~
24 ~~authorized by vote of the~~ commission, advise the commission and
25 each commissioner, when so requested, in regard to all *relevant*
26 matters, *including settlements and investigations*, in connection
27 with the powers and duties of the commission and the members
28 thereof, and generally perform all duties and services as attorney
29 to the commission that the ~~president, or vote of the commission,~~
30 *commission* may require of him *or her*.

31 SEC. 4. Section 308 of the Public Utilities Code is amended
32 to read:

33 308. (a) The commission shall appoint an executive director,
34 who shall hold office during its pleasure. The executive director
35 shall be responsible for the commission's executive and
36 administrative duties and shall organize, coordinate, supervise,
37 and direct the operations and affairs of the commission and
38 expedite all matters within the commission's jurisdiction.

39 (b) The executive director shall keep a full and true record of
40 all proceedings of the commission, issue all necessary process,

1 writs, warrants, and notices, and perform ~~such~~ *the* other duties as
2 the ~~president, or vote of the commission,~~ *commission* prescribes.
3 The ~~president~~ *commission* may authorize the executive director to
4 dismiss complaints or applications when all parties are in
5 agreement thereto, in accordance with rules that the commission
6 may prescribe.
7 (c) The commission may appoint assistant executive directors
8 who may serve warrants and other process in any county or city
9 and county of this state.